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Executive summary

Note by the Secretariat

Addendum

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II. Executive summary

Slovenia

1. Introduction: Overview of the legal and institutional framework of Slovenia in the context of implementation of the United Nations Convention against Corruption

The National Assembly of Slovenia ratified the United Nations Convention against Corruption on 6 February 2008, and the President signed it on 14 February 2008. Slovenia deposited its instrument of ratification on 1 April 2008.

According to article 8 of the Constitution, the Convention forms an integral part of Slovenia's domestic law, ranking below the Constitution but above other laws, and is therefore applicable directly as far as it obliges States to take concrete measures.

With regard to the criminal procedure, the police investigates upon a complaint or ex officio and refers the case to the State prosecutor. The State prosecutor submits a direct accusation or, when required, requests that a judicial investigation be conducted by an investigative judge. In the trial phase, the hearing is public and ends with the pronouncement of the judgement, against which there is the right to appeal.

The most important institutions in the fight against corruption are the Commission for the Prevention of Corruption (hereinafter: the Commission), the State Prosecutor's office (comprising the Specialized State Prosecutor's Office for, inter alia, corruption and organized crime), the police (comprising the National Bureau of Investigation, a specialized criminal investigation unit for complex crime, including corruption) and the Financial Investigation Unit.

Article 99 of the Criminal Code (CC) contains a detailed definition of the term "public official", covering a wide range of officials performing official duties with management responsibilities, but not persons in public enterprises. Although the law seems to be interpreted in a way that persons without managerial responsibilities are also considered public officials, the law is not explicit in this regard. Foreign public officials and officials of public international organizations are covered under the concept of public officials (art. 99 CC).

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

National and transnational bribery are regulated in article 261 CC (passive) and article 262 CC (active). The indirect commission of the act is not explicitly covered, but is considered implicitly covered, supported by the fact that indirect bribery is criminalized in the person of the intermediary. Although indirect bribery could be possibly covered by instigation, it was noted that instigation is a very specific concept and possibly limited in application. Transnational bribery is covered under the same provisions because foreign public officials and officials of public international organizations are covered under the concept of public officials (art. 99 CC).

Trading in influence is regulated in article 263 CC (passive) and article 264 CC (active), which cover most elements except for the indirect commission of the act. Article 263 CC, further, does not cover the "soliciting" of an undue advantage.

Bribery in the private sector is criminalized in article 241 CC (passive) and article 242 CC (active bribery). The provision covers most of the elements but is limited to making or retaining a contract or other benefit. Further, the indirect commission is not covered.

Money-laundering, concealment (arts. 23 and 24)

Slovenia has criminalized money-laundering in article 245 CC.

The term "exchange" in article 245, paragraph 1, covers the concept of "conversion" in the Convention; further, the "acquisition" is covered by the verb "accept" and the "possession" by the verb "store".

The "transfer" and the "concealment and disguise" of the "true nature, ... location, disposition, movement or ownership of or rights with respect to property" are not covered.

The "use" is covered in cases in which it refers to an economic activity or any other manner defined in article 2 of the Act, governing the prevention of money-laundering, which contains a general definition of money-laundering.

Slovenia has criminalized all mentioned forms of participation in money-laundering except conspiracy to commit money-laundering.

Slovenia has adopted an all-crime approach, covering all offences committed both inside and outside the Slovenian jurisdiction. Money-laundering is an independent offence, and charges may be brought for self-laundering.

Concealment is criminalized in article 217 CC.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Embezzlement is regulated in article 209 CC, which does not state that the appropriation could be for the benefit of a public official or a third person.

Abuse of functions is regulated in article 257 CC.

Slovenia has not criminalized illicit enrichment. Slovenia has an asset declaration system and has established the legal consequences of the violation of financial disclosure obligations.

Embezzlement in the private sector is covered by a general provision on diversion of property (art. 209, para. 1).

Obstruction of justice (art. 25)

In article 286 CC, Slovenia has implemented most of the elements of article 25 of the Convention; only the "promise" of an undue advantage in the context of article 25 (a) is not covered.

Liability of legal persons (art. 26)

Slovenia has a comprehensive system of criminal, civil and administrative liability of legal persons. Criminal liability is established in article 42 CC, independently of the criminal liability of natural persons involved. A broad range of sanctions are foreseen in the Liability of Legal Persons for Criminal Offences Act. Slovenia has brought accusations against legal persons for corruption offences in a number of cases.

Slovenia's legal framework also provides for limited administrative liability in public procurement cases in article 14 of the Integrity and Corruption Prevention Act. Blacklisting of companies is regulated in article 77 a) of the Public Procurement Act, article 81 a) of the Act Regulating Public Procurement in Water, Energy, Transport and Postal Services and article 73 of the Public Procurement for Defence and Security Act. Civil liability of legal persons for damages inflicted through criminal offences is regulated in articles 353-354 of the Obligations Code.

Participation and attempt (art. 27)

Slovenia regulates participation and attempt in articles 36.a-41 and 34-36 CC.

Slovenia has criminalized the preparation of fraud but not of other offences.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

All corruption offences in Slovenia carry sanctions of deprivation of liberty, whose upper limits vary between 1 and 10 years and lower limits between 30 days and one year. In the Criminal Code there are sentencing provisions ensuring that the gravity of the offence is taken into account. Case practice shows that serious sanctions are enforced in corruption cases.

Functional immunity exists for deputies of the National Assembly (art. 83 Constitution) and the National Council (art. 100 Constitution), as well as for judges in the context of their judicial decisions (art. 134 Constitution). It can be waived by the National Assembly. Such functional immunity does not exclude the initiation of pretrial proceedings, only the accusation.

Generally, prosecution in Slovenia is mandatory; however, articles 161, 161 (a) and 162 of the Criminal Procedure Act (CPA) provide exceptional discretionary powers for prosecutors to decide to not prosecute in *de minimis* cases, in offences with sanctions up to three years, (which covers some corruption offences) in which a settlement can be negotiated, and in cases of active regret by the accused (art. 162). Further, plea bargaining is foreseen within certain limits. It was noted that in corruption cases normally the rule of mandatory prosecution is applied.

Articles 192-201 CPA regulate provisional detention and other measures to ensure the presence of the accused at criminal proceedings. It was noted that generally the mildest measure is imposed, taking into account the necessity to ensure the presence of the accused.

Early release or parole is regulated in article 88 CC.

Prosecutors and judges can be suspended after a criminal accusation (art. 93-94, art. 95-98 Judicial Service Act), while no such provisions exist for other public officials, nor for removal and reassignment of public officials.

As an accessary sanction, Slovenia can ban a convicted person from the performance of his/her profession (arts. 69-71 CC). Article 154 of the Civil Servants Act foresees that the contract of employment of a civil servant may be terminated if the civil servant is lawfully convicted of an offence.

Slovenia has a disciplinary system for each sector; criminal and disciplinary responsibility are independent.

A rehabilitation system for convicted offenders has been established, pursuant to chapter IX of the Criminal Code, which covers Convention against Corruption offences.

Slovenia has adopted provisions about agreements between the accused and the public prosecutor on cooperation with the justice system (chap. XXV a CPA), and about guilty pleas (art. 51, para. 2 CC). Further, Slovenia has a provision about the "remission", i.e., abolishment or reduction of the punishment of an offender who spontaneously confesses the commission of the offence (art. 52 CC), and a relevant provision in the context of the opportunity principle (art. 163 CPA). For bribery, there is a provision on effective regret (art. 262, para. 3, CC). The Witness Protection Act covers those who cooperate with law enforcement authorities. Slovenia has not entered into any agreements or arrangements with other States parties on substantial cooperation with law enforcement at the international level.

Protection of witnesses and reporting persons (arts. 32 and 33)

Slovenia has relevant provisions in the CPA (arts. 141 a, 240 a, 244 a) and the Witness Protection Act, and has a witness protection programme since 2007. Measures include physical protection and relocation as well as evidentiary rules that allow for protection of the identity of protected persons. Victims are eligible for protection insofar as they are witnesses. However, Slovenian authorities highlighted that during the investigation of corruption offences, the problem of witnesses not testifying because of safety concerns was a major problem. Further, experts are not eligible for protection under either the CPA or the Witness Protection Act.

The international exchange of personal data and relocation of persons is foreseen in the Witness Protection Act, and Slovenia is the depository of an agreement on cooperation in the area of witness protection between eight Eastern European States and Austria.

Victims can assume different roles under Slovenian criminal procedure, i.e., as witnesses, injured parties, subsidiary prosecutors or private prosecutors, thus allowing the views and concerns of victims to be presented and considered during criminal proceedings.

Whistle-blower protection is regulated in the Integrity and Corruption Prevention Act, which establishes the protection of the identity of reporting persons, the burden of proof on the employer and the right of the employee to claim compensation for reprimands resulting from the reporting of offences, both in the private and public sectors. Provisions against mobbing in the Labor Act are also applicable.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Slovenia has regulated both conviction-based and non-conviction-based confiscation of proceeds of crime, referring to all criminal offences.

The conviction-based system is regulated in articles 74-77c CC and articles 498-503 CPA. Although articles 498-501, 503 CPA generally regulate a conviction-based system, they also provide for certain exceptional cases in which property can be confiscated in the absence of a conviction, mostly for preventive reasons. The Slovenian confiscation system is a value-based system (art. 75 CC). The object, or a link between the offence and the object, do not have to be found or proven. The value is determined in the proceedings by general evidentiary rules. Moreover, extended confiscation is regulated in article 77 a-c for proceeds of organized crime.

The non-conviction-based forfeiture system is a civil procedure regulated in the Forfeiture of Assets of Illegal Origin Act (ZOPNI), which applies to a number, but not all corruption offences. Given the recent adoption of the law, no cases have been brought yet under its regulations.

Slovenia has also adopted provisions on the conviction-based confiscation of instrumentalities used and destined for use in offences in article 73 CC, while non-conviction-based confiscation only refers to proceeds of crime.

Seizure and freezing are regulated in articles 502-502e CPA and articles 20-21 ZOPNI. They generally require court decisions and are subject to a strict and, given the complexity of corruption proceedings, rather limited maximum duration of three months in the pretrial procedure and six months in trial procedure. The measures may be extended, but not to longer than one year or two years respectively.

Basic rules for the management of seized and confiscated assets are contained in article 506 a) of the CPA. Articles 37-41 ZOPNI also contain relevant regulations. Both include the pre-sale of assets before a final confiscation. Slovenia does not have a central institution to manage seized and confiscated assets, but the Court decides according to the nature of the assets. Slovenia has not yet had experience with the management of complex assets such as companies.

The seizure and confiscation of transformed and converted proceeds of crime, including the confiscation up to the value of proceeds intermingled with property from legitimate sources, are possible in both the conviction-based system due to its value-based nature (art. 75, para. 1 CC), as in the non-conviction-based system (art. 5, para. 1, ZOPNI). The seizure, freezing and confiscation of income and other benefits derived from such proceeds of crime are not explicitly regulated.

When banks do not cooperate in the lifting of bank secrecy (see below), files can be seized.

Slovenia has regulations on a shift of the burden of proof to demonstrate the lawful origin of proceeds or property liable to confiscation in the ZOPNI. The defendant has to prove the lawful origin of assets, or may face the legal consequence of (non-conviction-based) confiscation when lawful origin cannot be established. Further, in non-conviction-based and under some circumstances also in conviction-based confiscation procedures, third parties have to demonstrate that they did not receive the asset gratuitously.

Both the Criminal Code (art. 75) and the ZOPNI (art. 30) provide for the protection of bona fide third parties. Their property may only be confiscated if it was transferred for free or a sum lower than its actual value.

Lifting of bank secrecy generally requires an order of the investigating judge upon request of the public prosecutor (art. 156, para. 1, CPA and art. 8 ZOPNI). The Commission and, in crimes for which the perpetrator is prosecuted ex officio, the police can request banking information without a judicial order (art. 156, para. 5, CPA).

Statute of limitations; criminal record (arts. 29 and 41)

Articles 90-95 CC establish a statute of limitations that varies from 6 to 20 years depending on the gravity of the offences. The statute of limitation can be suspended as long as the alleged offender is evading the administration of justice.

Slovenia can take into consideration previous convictions regardless of where the person was convicted, and the Ministry of Justice holds relevant information in a database.

Jurisdiction (art. 42)

The jurisdiction over offences committed in the territory of Slovenia and on a domestic vessel or aircraft is regulated in article 10 CC.

Slovenia has also established its jurisdiction over a broad set of offences committed by its citizens abroad as well as by foreigners against its citizens (arts. 12-13 CC).

Moreover, Slovenia has established universal jurisdiction for some offences; however, not for corruption offences. Slovenia has not established its jurisdiction over corruption offences when the offence is committed against the State, and when it does not extradite the alleged offender on the ground of nationality or for other reasons.

Consultations for the coordination of actions in cases with multiple jurisdictions are not explicitly regulated, but can be carried according to article 160 b) CPA.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

Article 14 of the Integrity and Corruption Prevention Act states that acts of public procurement which cause damage to a public sector entity or by which anybody obtains an undue advantage shall be deemed null and void. The provision can be interpreted to the effect that corruption can be considered a relevant factor in legal proceedings to annul such contracts, although no case examples have been provided.

The Code of Obligations contains articles 100-103 and 353 on compensation for damages caused by criminal offences, and article 354 by corruption specifically.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

Slovenia has a specialized anti-corruption unit in the General Police Directorate and anti-corruption units at the regional level.

The National Bureau of Investigation is a specialized criminal investigation unit at the national level for serious crime, including corruption.

The Specialized State Prosecutor's Office has 10 specialized and 11 delegated anti-corruption prosecutors. The Commission is an independent body investigating corruption administratively and often submits its administrative cases to the Prosecutor's Office. These bodies enjoy an appropriate level of independence, resources and training.

The possibility to share information between the Commission and law enforcement authorities is regulated by law and Slovenian authorities confirmed that there are close working relationships between the Commission, the police (specialized anti-corruption unit) and the specialized anti-corruption prosecutors.

Slovenia has not yet taken measures to encourage cooperation between national investigating and prosecuting authorities and entities of the private sector on corruption.

To encourage the reporting of corruption offences, the Commission and the police accept anonymous and online reports. The Commission provides information about whistle-blower protection on its website and carries out numerous trainings for civil servants on whistle-blower protection.

2.2. Successes and good practices

Overall, the following successes and good practices in implementing chapter III of the Convention are to be highlighted:

- The existing system of immunities seems to strike an appropriate balance between immunities accorded to public officials for the performance of their functions and the possibility of effectively investigating, prosecuting and adjudicating corruption offences, and Slovenia has provided a number of examples indicating that procedures on waiving immunity of deputies of the National Assembly are a frequent practice (art. 30, para. 2).
- Statistics about confiscated assets have been provided, and a new programme will be in place in order to track the amount of confiscated assets in statistics disaggregated by offence (art. 31, para. 1).
- Slovenia has both a conviction-based and non-conviction-based confiscation system for final deprivation of assets that are proceeds and instrumentalities of crime, and related precautionary measures for both systems. It has therefore established a great extent of flexibility for the seizure, freezing and confiscation of proceeds of crime (art. 31, paras. 1 and 2).
- The Commission holds regular meetings with the law enforcement authorities and is allowed to share and receive information with and from them (art. 38).
- Access to banking information is granted to the Commission and the Police, additionally to the prosecutor by judicial order. The police can request bank information when there are grounds for suspicion that a crime for which the perpetrator is prosecuted ex officio was committed or is planned, and direct access is provided through the Agency of the Republic of Slovenia for Public Legal Records and Related Services, which holds a central registry of transaction accounts (art. 40).

2.3. Challenges in implementation

Noting the advanced anti-corruption legal system of Slovenia, it was recommended that Slovenia:

- Review its definition of a public official to align it with article 2 (a) of the Convention, in particular with regard to persons providing services in public agencies or enterprises and consider clarifying that persons without managerial responsibilities are also considered public officials (general part).
- Adapt the legislation on embezzlement to cover third-party beneficiaries (art. 17).
- Recognizing that indirect trading in influence and bribery in the private sector could potentially be covered by the provisions on instigation, ensure that the legislation be applied in this sense. Should case law evolve in a different direction, this could imply legislative clarification (arts. 18, 21).
- Consider amending the legislation on passive trading in influence to cover the solicitation of an undue advantage (art. 18, para. (b)).
- Consider establishing illicit enrichment as a criminal offence (art. 20).
- Consider broadening the offence of bribery in the private sector to cover also conduct not related to concluding or retaining a contract or other benefit (art. 21).
- Amend 245 CC to cover the "transfer", and the "concealment and disguise" of the "true nature, ... location, disposition, movement or ownership of or rights with respect to property" (art. 23, para. 1 (a)); criminalize conspiracy to money-laundering, subject to the concepts of the Slovenian legal system (art. 23, para. 1 (b) (ii)).
- Include in the legislation the "promise" of an undue advantage in all forms of obstruction of justice covered by article 25, subparagraph (a).
- Introduce broader measures on the administrative liability of legal persons for corruption (art. 26, paras. 1 and 2).
- Slovenia could criminalize the preparation for a corruption offence (art. 27, para. 3).
- Consider taking measures to allow for the suspension of public officials, similar to those already existing for judges and prosecutors, when they are being accused of an offence established in accordance with the Convention, as well as their removal and reassignment (art. 30, para. 6).
- Given the complexity of corruption procedures, extend the strict time limits for seizure and freezing orders (art. 31, para. 2).
- Review the system for the management of assets, with a view to ensuring that complex assets, such as e.g. corporate assets can be effectively managed over time (art. 31, para. 3).
- Explicitly regulate the seizure, freezing and confiscation of income and other benefits derived from proceeds of crime, from property into which such

proceeds of crime have been transformed or converted or from property with which such proceeds of crime have been intermingled (art. 31, para. 6).

- Further strengthen witness protection, and include experts into the protection measures of the CPA and the Witness Protection Act (art. 32, paras. 1 and 2).
- Consider creating provisions allowing for corruption to be a relevant factor in legal proceedings to withdraw concessions or similar instruments (art. 34).
- Consider entering in agreements or arrangements with other States parties on substantial cooperation with the competent authorities of another State Party (art. 37, para. 5).
- Take measures to encourage cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to corruption matters (art. 39, para. 1).
- Establish jurisdiction over corruption offences when the alleged offender is present in its territory and it does not extradite such person on the ground of nationality (art. 42, para. 3).
- Slovenia could further establish its jurisdiction over offences committed by a stateless person who has his or her habitual residence in Slovenia (art. 42, para. 2 (b)), all forms of participation in money-laundering offences outside the country (art. 42, para. 2 (c)), offences committed against the Republic of Slovenia (art. 42, para. 2 (d)); and over corruption offences when the alleged offender is present in its territory and it does not extradite him or her (art. 42, para. 4).

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Extradition is regulated in articles 521-573 CPA and the Act on cooperation in criminal matters with Member States of the European Union (ACCMEU-1). The application of national law is subsidiary to the 11 bilateral and seven multilateral treaties Slovenia is party to. Slovenia can also apply the treaties in which it succeeded the former Yugoslavia, but in practice they are rarely used.

Since May 2012, extradition can be afforded in the absence of a treaty on the basis of reciprocity. Slovenia can use the Convention as a legal basis and has used it in at least two cases.

The instruments of the European Union, especially the Council Framework Decision on the European Arrest Warrant, take precedence over other international instruments. Within the European Union, extradition is simplified, inter alia, possible in the absence of dual criminality and for nationals, and with limited grounds for refusal.

Beyond the European Union, dual criminality is a requirement for extradition. Slovenia does not extradite its nationals except within the European Union. The principle *aut dedere aut judicare* is regulated in article 527, paragraph 4, CPA.

Slovenia has a mixed judicial-administrative procedure. After receiving the extradition request through diplomatic channels, the courts decide whether conditions for extradition are met. A negative court decision is automatically reviewed by a higher court, whereas a positive court decision is subject to appeal. Afterwards, the Minister of Justice decides whether there are grounds related to asylum, human rights or similar grounds for refusal; this decision can be appealed.

Extraditable offences are those which carry a sanction of one year or more (art. 522, para. 1, No. 4 CPA); all Convention offences are extraditable. Extradition for accessory offences is regulated in article 522, paragraph 2, CPA. Corruption is not considered a political offence; this is ensured in direct application of the Convention.

Simplified extradition is regulated by article 529 a CPA for cases in which the sought person agrees with the extradition, and is often used in practice. With regards to evidentiary requirements, there must be grounds for reasonable suspicion that the sought person has committed the offence.

Extradition detention is regulated in article 525 CPA, and provisional detention generally in article 201 CPA.

With regard to the transfer of sentenced persons, Slovenia is a party to five bilateral and four multilateral treaties, and applies a relevant European Union Council Framework Decision.

Transfer of criminal proceedings from Slovenia to another country is regulated in articles 519-520 CPA for cases regarding foreigners committing offences in Slovenia and Slovenians committing offences abroad. Otherwise, Slovenia can apply article 47 of the Convention directly.

Mutual legal assistance (art. 46)

Mutual legal assistance is regulated in articles 514-520 CPA, the ACCMEU-1 and the ZOPNI. The application of national law is subsidiary to the 21 bilateral and 10 multilateral treaties Slovenia is party to. Again, Slovenia can additionally apply the treaties in which it succeeded the former Yugoslavia, though it does so rarely in practice. Within the European Union, Council Framework Decisions, inter alia, on the execution of freezing orders and mutual recognition of confiscation orders, take precedence.

The central authority for mutual legal assistance is the Ministry of Justice. Although the law states that incoming requests should be received through diplomatic channels, the central authority receives them directly in practice. Slovenia can accept mutual legal assistance requests that have been transmitted through INTERPOL, in urgent cases. Requests can be submitted in Slovenian, English, French and in practice also in German.

All assistance measures can be provided that are not contrary to national legislation. Article 516 c CPA specifically regulates spontaneous exchange of information.

Slovenia provides mutual legal assistance in the absence of dual criminality.

The transfer of detained persons to and from Slovenia for a criminal procedure is regulated in articles 516 a) and b) and 517 a), b), c) and č) CPA. The use of videoconferencing is regulated in article 244 a CPA and is often applied in practice.

The specialty and confidentiality principles are not regulated in legislation but applied in practice.

The average duration of passive mutual legal assistance proceedings in Slovenia is 1-2 months.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Slovenia has concluded more than 25 law enforcement agreements with other countries sand can use the Convention as a legal basis for law enforcement cooperation. Institutional agreements and arrangements with counterparts abroad have been concluded by the Prosecution Office and the Police.

The Slovenian police cooperates with foreign police forces through Europol and INTERPOL. Slovenia cooperates through the Camden Assets Recovery Inter-Agency (CARIN) Network. Slovenian Customs cooperates on the basis of the Naples Convention and the World Customs Organization (WCO), and the Slovenian Financial Intelligence Unit is member of the EGMONT Group of Financial Intelligence Units.

Slovenia has a Liaison Office at Europol and a number of liaison officers, seconded officials and police attachés deployed to international peacekeeping missions. The Slovenian police is also actively involved in trainings of the European Police College CEPOL.

No specific regulations or measures exist for the provision of necessary items or quantities of substances or the fight against corruption committed through the use of modern technology.

Joint investigative teams are regulated in article 160 b CPA and, within the European Union, in articles 55-56 ACCMEU-1. Slovenia has taken part in two joint investigative teams in corruption cases. Both teams were established within the European Union, one of them with four other States.

With regard to special investigative techniques, Slovenia allows the obtaining of information related to electronic communications (art. 149 b CPA), secret surveillance (art. 149 a CPA), infiltration operations (art. 155 a CPA), control of electronic communications (art. 150 CPA), simulated provision of bribes (a 155 CPA), interference and surveillance (art. 151), obtaining information on bank transactions (art. 156 CPA), and controlled delivery (arts. 149 a and 159 CPA). These special investigative techniques refer to some but not all corruption offences. For the use at the international level, Slovenian law has relevant provisions in the ACCMEU-1 and in the Convention established by the Council in accordance with article 34 of the treaty of the European Union on Mutual assistance in Criminal matters between the Member States of the European Union, as well as in some of the above-mentioned bilateral police cooperation agreements. Slovenia can authorize the use of special investigative techniques at the international level on a case-by-case basis, on the basis of the Convention, and also without a treaty base, and evidence derived therefrom is admissible in court.

3.2. Successes and good practices

- Slovenia can use the Convention as a legal basis for international cooperation and has used it in at least two extradition cases (active and passive) and at least one mutual legal assistance case (arts. 44, para. 1, and 46, para. 1).
- Slovenian authorities have broad experience in in providing various types of mutual legal assistance, including tracing, freezing, seizure and confiscation of assets (art. 46, para. 3).
- The use of modern communication in international cooperation is regulated by the CPA, especially computer networks and electronic image and voice transmission devices (art. 46, para. 14).
- Slovenia makes efforts to expedite mutual legal assistance proceedings, and the average duration of mutual legal assistance proceedings is 1-2 months (art. 46, para. 24).
- Slovenia has provided many examples of law enforcement cooperation in money-laundering and other cases and is active in law enforcement cooperation (art. 48, para. 1).

3.3. Challenges in implementation

- Slovenia could also grant extradition in the absence of dual criminality to States parties that are not European Union Member States (art. 44, para. 2).
- It would be helpful to clarify the law in order to confirm that mutual legal assistance requests can be sent directly to the Ministry of Justice in its capacity as central authority (art. 46, para. 13).
- It is recommended that Slovenia take measures to enable its authorities to cooperate with foreign States to enhance the effectiveness of law enforcement in corruption cases by providing, where appropriate, necessary items or quantities of substances for analytical or investigative purposes (art. 48, para. 1 (c)).
- Slovenia is encouraged to strengthen its efforts in law enforcement cooperation to respond to offences covered by this Convention committed through the use of modern technology (art. 48, para. 3).
- It is recommended that Slovenia expand the scope of application of the special investigative techniques currently regulated in its legislation to all corruption offences (art. 50, para. 1).